

FILED

AUG 23 2018

*Clerk, U.S. District Court
District Of Montana
Missoula*

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

WAYNE A. HUSSAR II,

Petitioner,

vs.

JAMES SALMONSON,

Respondent.

Cause No. CV 18-49-H-DLC

ORDER

This case comes before the Court on Petitioner Wayne A. Hussar's application for writ of habeas corpus under 28 U.S.C. § 2254. Hussar is a state prisoner proceeding pro se.


On August 1, 2018, United States Magistrate Judge Johnston recommended Hussar's petition be dismissed without prejudice for failure to exhaust state court remedies. (Doc. 18.) Hussar subsequently filed a voluntary motion to dismiss his petition. (Doc. 19.) It appears that Hussar may be seeking to attempt to exhaust his state remedies before proceeding further with a federal habeas action. Federal Rule of Civil Procedure 41(a)(1)(A)(i) provides Hussar with an avenue for voluntary dismissal.

Accordingly, Hussar's Motion to Dismiss (Doc. 19) is GRANTED. This

matter is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B).

Hussar may return to this Court if and when he has exhausted his state court remedies.

DATED this 23rd day of August, 2018.



Dana L. Christensen, Chief Judge
United States District Court